

REMARKS

I. Status of the Claims

Claims 1, 4-8, 11, and 12 are pending.

II. Claim Rejections Under 35 U.S.C. § 103

In the Office Action, claims 1, 4-8, 11, and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,443,447 to Ifkovits et al. in view of U.S. Patent No. 5,439,208 to Moser et al., further in view of U.S. Patent No. 5,896,797 to Thompson, and further in view of U.S. Patent No. 4,073,208 to Muller et al. As explained below, this rejection should be withdrawn.

According to M.P.E.P. § 2143.03 (citing In re Royka, 180 USPQ 580 (CCPA 1974)), “[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” Because Ifkovits, Moser, Thompson, and Muller fail to teach or suggest Applicants’ claimed combination recited in independent claims 1 and 8, Applicants respectfully submit that a prima facie case of obviousness has not been established and that the rejection should be withdrawn.

A. Ifkovits

As acknowledged in the Office Action at page 3, Ifkovits fails to teach or suggest a “controller coupled to the one or more sensors, the controller adjusting the cutting rate as a function of the number of sheets in a collation arriving at the high speed separation transport, whereby a lower number of sheets in the collation corresponds to decreasing the cutting rate, and a greater number of sheets in the collation corresponds to

increasing the cutting rate,” as recited in claim 1 and the corresponding features of claim 8.

B. Moser

Moser, cited in the Office Action for its teaching of a high speed separation transport downstream of the right angle turn, is completely silent as to the “controller coupled to the one or more sensors, the controller adjusting the cutting rate as a function of the number of sheets in a collation arriving at the high speed separation transport, whereby a lower number of sheets in the collation corresponds to decreasing the cutting rate, and a greater number of sheets in the collation corresponds to increasing the cutting rate,” recited in claim 1 and the corresponding features of claim 8. Thus, Moser fails to overcome the above-noted deficiencies of Ifkovits.

Because the combined teachings of Ifkovits and Moser fail to teach or suggest Applicants’ claimed combination recited in independent claims 1 and 8, as required by M.P.E.P. § 2143, Applicants respectfully submit that a prima facie case of obviousness has not been established and that the rejection should be withdrawn.

C. Thompson

As discussed above, claims 1 and 8 are patentable over Ifkovits and Moser. Because Thompson fails to overcome the above-noted deficiencies of Ifkovits and Moser, Applicants respectfully submit that a prima facie case of obviousness has not been established and that the rejection should be withdrawn.

Thompson teaches a “method and apparatus for processing a strip of paper into two streams of cut sheets and for collating the streams.” Thompson at col. 1, lines 8-10. In the device of Thompson, a “pair of marks 30 are formed adjacent each line of

weakening 11," which "can function as timing marks, can be detected by a sensor 31 which is utilized to monitor the location in on processing equipment of each sheet or page 19, 20 in strip 10, or can perform any other desired function." Id. at col. 4, lines 6-11. The sensors 33, 34 of Thompson "monitor marks on strip 10, monitor the speed of travel of strip 10, monitor openings along the edge of strip 10, or monitor any other desired movement or information pertaining to the processing of strip 10." Id. at col. 4, lines 35-38.

According to Thompson, cutting a "page 38 longer is desirable when page 38 is the beginning or last page in a document." Id. at col. 4, lines 59-60. Moreover, the "[s]ensors 33 and 34 or other data input means also indicates to microprocessor 36 when a page 37, 38 comprises the first, last, or only page in one of the documents imprinted or formed on strip 10" and "if a sheet 38 on strip 25 comprises the last sheet in a document, then microprocessor 36" operates to "permit the sheet 38 to more quickly pass into and through cutter blade assembly 56." Id. at col. 5, lines 1-21. In such a case, the "length L2 of sheet 38 will be slightly greater than the length L1 of sheet 37." Id. at lines 31-33.

Thus, the device of Thompson speeds up the last sheet in a document as it passes through the cutter so that sheet will be longer than the rest of the sheets in the document.

Thompson fails to teach or suggest a "controller adjusting the cutting rate as a function of the number of sheets in a collation arriving at the high speed separation transport, whereby a lower number of sheets in the collation corresponds to decreasing the cutting rate, and a greater number of sheets in the collation corresponds to

increasing the cutting rate,” as recited in claim 1 and corresponding features of claim 8. Thus, Thompson fails to overcome the above-noted deficiencies of Ifkovits and Moser.

Because the combined teachings of Ifkovits, Moser, and Thompson fail to teach or suggest Applicants' claimed combination recited in independent claims 1 and 8, as required by M.P.E.P. § 2143, Applicants respectfully submit that a prima facie case of obviousness has not been established and that the rejection should be withdrawn.

D. Muller

As discussed above, claims 1 and 8 are patentable over Ifkovits, Moser, and Thompson. Because Muller fails to overcome the above-noted deficiencies of Ifkovits, Moser, and Thompson, Applicants respectfully submit that a prima facie case of obviousness has not been established and that the rejection should be withdrawn.

Muller teaches an “apparatus for the production of sausage links of equal length and equal weight in a common sausage casing with the individual links being separated from one another by twisted portions of the sausage casing.” Muller at col. 1, lines 14-18. The device of Muller comprises a “plurality of cam disks” that are “longitudinally shiftable on the drive shaft to which they are keyed.” Id. at col. 3, lines 45-48. By varying the position of the cams, the “sausage chain is cut through between every fourth sausage link” or alternatively the “links are severed individually.” Id. at lines 54-58.

Thus, in Muller, the cutting rate is not based on the number of output sausages, as asserted in the Office Action. Rather, using the disclosed cam arrangement, the device of Muller merely cuts at desired intervals to “separate links of the continuous sausage chain thereof individually or in groups from one another.” Id. at col. 2, lines 29-31.

Accordingly, Muller fails to teach or suggest a “controller adjusting the cutting rate as a function of the number of sheets in a collation arriving at the high speed separation transport, whereby a lower number of sheets in the collation corresponds to decreasing the cutting rate, and a greater number of sheets in the collation corresponds to increasing the cutting rate,” as recited in claim 1 and corresponding features of claim 8. Thus, Muller fails to overcome the above-noted deficiencies of Ifkovits, Moser, and Thompson.

Because the combined teachings of Ifkovits, Moser, Thompson, and Muller fail to teach or suggest Applicants’ claimed combination recited in independent claims 1 and 8, as required by M.P.E.P. § 2143, Applicants respectfully submit that a prima facie case of obviousness has not been established and that the rejection should be withdrawn.

Applicants respectfully submit that independent claims 1 and 8 are patentable over the references applied in the Office Action. Claims 4-7, 11, and 12 depend directly or indirectly from claims 1 and 8 and therefore should be allowable for at least the same reasons the claims from which they depend are allowable.

III. Conclusion

Applicants respectfully request that the Examiner reconsider this application, withdraw the claim rejections, and allow the pending claims in a timely manner.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 16-1885.

Respectfully submitted,

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